HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO: 21986 of 2002

Dated: 04-07-2007

Between:

The Primary Agricultural
Co-operative Society,
Pedakammavaripalem,
Nagayalanka Mandal,
Krishna District.

..... PETIT

AND

The Revenue Divisional Officer,
Krishna District and 2 others.

.....RESPONI

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No. 21986 of 2002

O R D E R:

This writ petition is filed for a writ of Mandamus to set aside the orders dated 12-03-2000, 02-09-2000 and 12-04-2002 passed by the respondents 1,2 and 3 respectively, wherein the petitioner's authorisation was cancelled and confirmed in appeal and revision. The petitioner is holding authorisation to run the fair price shop of Pedakammavariplaem village, Nagayalanka Mandal Krishna District. On the complaints made by some of the villagers, an enquiry was held against the petitioner in to the alleged irregularities in running the fair price shop. During the enquiry, the following four charges were framed.

1) The F.P. Shop dealer has violated condition No.7 of authorisation by selling essential commodities i.e. K.oil at Rs.3.50 per liter and rice at Rs.4.00/- at higher prices.
2) That the dealer is selling essential commodities only for two days in the month.
3) That they are not maintaining the stock board.
4) That they are failed to produce the authorisation, K.oil licence and other record to the inspecting authorities and violated condition No.9 of the authorisation.

The Revenue Divisional Officer, Bandar (respondent No.1), after considering the enquiry reports and hearing the party held that all the four charges were proved. Following the said finding, he cancelled the petitioner's authorisation. The appeal filed by the petitioner before the 2nd respondent was dismissed. The revision filed by the petitioner before the 3rd respondent also met the same fate. The petitioner, therefore, assails all the three orders in this writ petition.

I have heard Sri M.Srinivas, learned counsel for the petitioner and learned Assistant Government Pleader for the respondents.

From a perusal of the order of the primary authority, namely, the Revenue Divisional Officer, Bandar, it is evident that the clerk of the petitioner,

who was selling essential commodities not only admitted during the enquiry, but also filed a written statement to the effect that he was selling essential commodities at higher prices i.e. at Rs.3.50 per liter of kerosene oil and Rs.4.00/- per Kg of rice.

In view of this categorical admission, the petitioner is not entitled to claim that it was running the fair price shop without any blemish.

Learned counsel for the petitioner is unable to impeach the correctness of the findings recorded by the Revenue Divisional Officer during hearing.

Though charge Nos.2 to 4 are frivolous in nature, since charge No.1, which was found proved on the very admission made by the clerk of the petitioner, is very serious in nature, the

1st respondent had rightly cancelled the authorisation and respondents 2 and 3 have not committed any illegality in not interfering with the order of the first respondent.

For the aforementioned reasons, the writ petition fails and is accordingly dismissed. No costs.

C.V.NAGARJUNA REDDY,J

Date: 04-07-2007
KLP